

## REMARKS

Claims 1 to 4 and 7 to 18 are pending in this case. No amendments were made to the claims. Applicants have provided a list of the current claims to better aid in the anticipation discussion below.

The rejection of claims 1 to 18 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application No. 2003/0087750 to Stamires et al. (Stamires) is respectfully traversed. In order for prior art to anticipate under §102b every element of the claim invention must be identically disclosed in a single reference. *Corning Glass Works v. Sumitomo Electric*, 9 U.S.P.Q.2d 1962, 1965 (Fed Cir. 1989). In anticipation, the claim language is applied element by element to the prior art reference. If the claim language reads literally on the reference, the claim is anticipated, if the claim does not literally read, there is no anticipation. *Lewmar Marine, Inc. v. Barient Inc.*, 3 U.S.P.Q.2d 1776, 1768 (Fed Cir. 1987).

Applicants respectfully submit that there are a number of distinctions and missing elements in Stamires such that it does not anticipate the present claims.

First, the Final Office Action alleges that Stamires teaches a process for making quasi-crystalline boehmite (QCB). However, this is simply not correct. Stamires teaches a process for making anionic clay utilizing peptized boehmite as a starting material (e.g., see title and first claim). Paragraph 42 of Stamires states “The present invention involves the use of boehmite in aqueous suspensions, where at ambient or elevated temperature M sources, for instance MgO or brucite, are added and the mixture is aged to result in the formation of anionic clay” (emphasis added). Stamires does not disclose or teach a process for making the starting boehmite material and thus can not anticipate the present claims. There is absolutely no process disclosed or taught in Stamires how one would make the starting boehmite material used in its process to make the anionic clays.

The process used to make the anionic clays in Stamires does generally disclose some of the elements of the present claims, such as a pH swing, but does not disclose each and every element of the present claims, which is required for anticipation. In addition to making anionic clays instead of boehmites (which is a required element in the claims – see 1d), Stamires fails to disclose the following elements recited in the claims:

*b) decreasing the pH of the precursor mixture of step a) by at least 2 units;*

The Office Action cites paragraph 80 (Example 1) stating that QCB is mixed with nitric acid and the QCB became translucent, which the Office Action alleges proves that the pH was

below 3. First, as discussed above, QCB is the end or final product of the present claims, thus mixing nitric acid with QCB is not reducing the pH of a precursor mixture. Precursor mixture does not mean the final product, but some mixture before the final product. Present claim 7 discloses some of the aluminum sources for the precursor mixture and QCB is not one of them because QCB is the final product. Secondly, the Office Action states that in order for QCB to be translucent, it must be below a pH of 3. There is no support in Stamires or any other source for that argument, plus, the Example does not disclose what the pH of the starting material was in order to prove that the pH was lowered more than 2 pH units. The Office Action contention is mere speculation, which can not be a basis for anticipation.

*(c) increasing the pH of the mixture of step b) by at least 2 units, such that the pH of the mixture is at least 10;*

The Office Action cites paragraph 82 (should be 84) for raising the pH to 10. Paragraph 84 of Stamires states that the pH was raised to about 10, it does not state that it was at least 10. Thus, it does not anticipate because it could have been below 10 and the Example does not provide any component amounts or concentrations in order to calculate the true pH value.

Again, the most substantive and clear argument is that the present claims recite in step 1d that the process produces quasi-crystalline boehmite (QCB). Stamires, on the other hand, starts with QCB. Thus, the rhetorical question has to be asked is how can Stamires anticipate the present process claims for producing QCB, when Stamires starts with QCB to make a different end product material and never discloses how to make QCB? Applicants, with all due respect, submit that the anticipation rejection simply does not make any sense.

No fee is believed due for this response. If any fee is due, please charge the appropriate fee amount to Albemarle Deposit Account No. 01-0659. Should a discussion be helpful in resolving any outstanding issues, the Examiner is invited to telephone the undersigned at (225) 388-7235.

Respectfully submitted:

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